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EXAMINER	
JACOBS, LASHONDA T	

ART UNIT	PAPER NUMBER
2157	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/721,012	FIECHTER ET AL.	
	Examiner	Art Unit	
	LaShonda T Jacobs	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 September 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) _____ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-34 and 50-62* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This Office Action is in response to Election/Restriction. Claims 1-34 and 50-62 are presented for further examination.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims **1-34** and **50-62** are rejected under 35 U.S.C. 103(a) as being unpatentable over Thrift et al (hereinafter, "Thrift", U.S. Pat. No. 6,188,985) in view of Saylor et al (hereinafter, "Saylor", U.S. Pat. No. 6,501,832).

As per claim **1**, Thrift discloses a mobile browser system with adaptive personalization and audio feedback capability for retrieving information from an information network, the information network comprising a plurality of network servers, the browser system comprising:

- a wireless communication interface operable to transmit data to one or more of the plurality of network servers, to receive user input., and to receive data from one or more of the plurality of network servers, wherein the data transmitted to the one or more of the plurality of network servers includes a request for information, and the data received from the one or more of the plurality of network servers includes information responsive to the request (abstract, col. 2, lines 59-67, col. 3. lines 1-8, lines 57-67, col. 4, lines I33, lines 52-67 and col. 5,lines 1-19), and

- an audio interface operable to receive data from the wireless communication interface (abstract, col. 2, lines 36-67 and col. 3,11nes 1-30).

However, Thrift does not explicitly disclose:

- an adaptive personalization module operable to monitor the user input during one or more previous sessions with the browser system, and to determine the order for presenting the requested information based on previous user input.

Saylor discloses a system and method for registering voice codes for voice pages in a voice network access provider system including:

- an adaptive personalization module operable to monitor the user input during one or more previous sessions with the browser system, and to determine the order for presenting the requested information based on previous user input (col. 19, lines 12-30).

Given the teaching of Saylor, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thrift by including a personalization module to retrieve voice content information corresponding to a user's desired choice allowing the user quick access to content they frequently access.

As per claim **18**, Thrift discloses a mobile information network browser device with feedback capability for retrieving information from an information network, the information network comprising a plurality of network servers, the browser device comprising:

- a communication interface operable to transmit a request for information to a network server, and to receive data responsive to the request from the network server, (abstract, col. 2, lines 59-67, col. 3, lines 1-8, lines 57-67, col. 4, lines 1-33, lines 52-67 and col. 5,11nes 1-19); and

- a mobile audio device operable to transmit the request for information to the communication interface and to receive data responsive to the request from the communication interface, the mobile audio device being further operable to receive input from a user, to convert the input to a digital signal, and to transmit the digital signal to the communication interface, the mobile audio device being further operable to receive the data responsive to the request from the communication interface, and to convert the data to an audio signal for output to an audio output device (abstract, col. 2, lines 59-67, col. 3, lines 1-8, lines 57-67, col. 4, lines 1-33, lines 52-67 and col. 5,lines 1-19).

However, Thrift does not explicitly disclose:

- adaptive personalization module operable to monitor the user input during one or more previous sessions with the browser device, and to determine the order for presenting the requested information based on previous user input.

Saylor discloses a system and method for registering voice codes for voice pages in a voice network access provider system including:

- adaptive personalization module operable to monitor the user input during one or more previous sessions with the browser device, and to determine the order for presenting the requested information based on previous user input (col. 19, lines 12-30 and col. 28, lines 50-59).

Given the teaching of Saylor, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thrift by including a personalization module to

retrieve voice content information corresponding to a user's desired choice allowing the user quick access to content they frequently access.

As per claim **50**, Thrift discloses a method of browsing an information network via a wireless communication network and receiving responsive information in audio format using a mobile audio device, the method comprising:

- transmitting input from a user via the wireless communication network to a data processor (abstract, col. 2, lines 59-67, col. 3, lines 1-8, lines 57-67, col. 4, lines 1-33, lines 52-67 and col. 5, lines 1-19)l-
- • processing the input to determine when the user enters a valid browsing command (abstract, col. 2, lines 59-67, col. 3, lines 1-8, lines 57-67, col. 4, lines 1-33, lines 52-67 and col. 5, lines 1- 19);
- • transmitting the browsing command to a server on the information network (abstract, col. 2, lines 59-67, col. 3, lines 1-8, lines 57-67, col. 4, lines 1-33, lines 52-67 and col. 5, lines 1-19); and
- • receiving the responsive information fron the server (abstract, col. 2, lines 59-67, col. 3, lines 1 -8, lines 57-67, col. 4, lines; 1-33, lines 52-67 and col. 5,11nes 1- 19).

However, Thrift does not explicitly disclose:

- adaptively determining the order for presenting the responsive information based on user input during one or more previous sessions with the mobile audio device,
- formatting the responsive information in audio format,
- transmitting the formatted audio information to the mobile audio device via the wireless communication network;

- generating an audio output signal in the mobile audio device; and
- transmitting the audio output signal to an audio output device.

Saylor discloses a system and method for registering voice codes for voice pages in a voice network access provider system including:

- adaptively determining the order for presenting the responsive information based on user input during one or more previous sessions with the mobile audio device (col. 19, lines 12-30 and col. 28, lines 50-59);
- formatting the responsive information in audio format (col. 16, lines 55-62 and col. 17, lines 5-12);
- transmitting the formatted audio information to the mobile audio device via the wireless communication network (col. 16, lines 55-62, col. 17, lines 5-12 and col. 18, lines 45-65);
- generating an audio output signal in the mobile audio device (col. 16, lines 55-62, col. 17, lines 5-12 col. 18, lines 45-65), and
- transmitting the audio output signal to an audio output device (col. 16, lines 55-62, col. 17, lines 5-12 and col. 18, lines 45-65).

Given the teaching of Saylor, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thrift by including a personalization module to modify the output of the voices settings of the user request content in order to apply to all audio output thereby allowing a user to access the content in a timely and efficient manner.

As per claims **2**, **20** and **52**, Thrift discloses the invention substantially as claims discussed above.

However, Thrift does not explicitly disclose:

- wherein the adaptive personalization module is further operable to update a user's model based on the previous user input and the user's model is used to determine the order for presenting the requested information.

Saylor discloses a system and method for registering voice codes for voice pages in a voice network access provider system including:

- wherein the adaptive personalization module is further operable to update a user's model based on the previous user input and the user's model is used to determine the order for presenting the requested information (col. 19, lines 12-30 and col. 28, lines 50-59).

Given the teaching of Saylor, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thrift by including a personalization module to retrieve voice content information corresponding to a user's desired choice allowing the user quick access to content they frequently access.

As per claims **3**, **21** and **53**, Thrift discloses the invention substantially as claims discussed above.

However, Thrift does not explicitly disclose:

- wherein the adaptive personalization module is further operable to update a user's model based on whether the user input a command to skip playback of the requested information.

Saylor discloses a system and method for registering voice codes for voice pages in a voice network access provider system including:

- wherein the adaptive personalization module is further operable to update a user's model based on whether the user input a command to skip playback of the requested information (col. 16, lines 63-67, col. 19, lines 12-30 and col. 28, lines 50-59).

Given the teaching of Saylor, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thrift by including a personalization module to retrieve voice content information corresponding to a user's desired choice allowing the user quick access to content they frequently access.

As per claims **4**, **22** and **54**, Thrift discloses the invention substantially as claims discussed above.

However, Thrift does not explicitly disclose:

- wherein the adaptive personalization module is further operable to update a user's model based on whether the user input a command to fast-forward or rewind playback of the requested information.

Saylor discloses a system and method for registering voice codes for voice pages in a voice network access provider system including:

- wherein the adaptive personalization module is further operable to update a user's model based on whether the user input a command to fast-forward or rewind playback of the requested information (col. 16, lines 63-67, col. 19, lines 12-30 and col. 28, lines 50-59).

Given the teaching of Saylor, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thrift by including a personalization module to retrieve voice content information corresponding to a user's desired choice allowing the user quick access to content they frequently access.

As per claims **5**, **23** and **55**, Thrift discloses the invention substantially as claims discussed above.

However, Thrift does not explicitly disclose:

- wherein the adaptive personalization module is further operable to update a user's model based on whether the user requested more detail on the requested information.

Saylor discloses a system and method for registering voice codes for voice pages in a voice network access provider system including:

- wherein the adaptive personalization module is further operable to update a user's model based on whether the user requested more detail on the requested information (col. 19, lines 12-30 and col. 28, lines 50-59).

Given the teaching of Saylor, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thrift by including a personalization module to retrieve voice content information corresponding to a user's desired choice allowing the user quick access to content they frequently access.

As per claims **6**, **24** and **56**, Thrift discloses the invention substantially as claims discussed above.

However, Thrift does not explicitly disclose:

- wherein the adaptive personalization module is further operable to generate a representation of each piece of content in the requested information, and the order of presentation of the requested information is determined based on the user's model and the representation.

Saylor discloses a system and method for registering voice codes for voice pages in a voice network access provider system including:

- wherein the adaptive personalization module is further operable to generate a representation of each piece of content in the requested information, and the order of presentation of the requested information is determined based on the user's model and the representation (col. 19, lines 12-30 and col. 28, lines 50-59).

Given the teaching of Saylor, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thrift by including a personalization module to retrieve voice content information corresponding to a user's desired choice allowing the user quick access to content they frequently access.

As per claims **7**, **27** and **60**, Thrift discloses the invention substantially as claims discussed above.

However, Thrift does not explicitly disclose:

- wherein the adaptive personalization module is further operable to determine whether the requested information is redundant compared to information presented during a previous session.

Saylor discloses a system and method for registering voice codes for voice pages in a voice network access provider system including:

- wherein the adaptive personalization module is further operable to determine whether the requested information is redundant compared to information presented during a previous session (col. 19, lines 12-30 and col. 28, lines 50-59).

Given the teaching of Saylor, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thrift by including a personalization module to retrieve voice content information corresponding to a user's desired choice allowing the user quick access to content they frequently access.

As per claims **8**, **28** and **61**, Thrift discloses the invention substantially as claims discussed above.

However, Thrift does not explicitly disclose:

- wherein the adaptive personalization module is further operable to determine whether a piece of content in the requested information is redundant compared to one or more other pieces of content in the requested information.

Saylor discloses a system and method for registering voice codes for voice pages in a voice network access provider system including:

- wherein the adaptive personalization module is further operable to determine whether a piece of content in the requested information is redundant compared to one or more other pieces of content in the requested information (col. 19, lines 12-30 and col. 28, lines 50-59).

Given the teaching of Saylor, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thrift by including a personalization module to retrieve voice content information corresponding to a user's desired choice allowing the user quick access to content they frequently access.

As per claims **9**, **25** and **57**, Thrift discloses the invention substantially as claims discussed above.

However, Thrift does not explicitly disclose:

- wherein the adaptive personalization module is further operable to convert the responsive information from a text format to an audio format, and the representation includes the frequency with which each word occurs in each piece of content.

Saylor discloses a system and method for registering voice codes for voice pages in a voice network access provider system including:

- wherein the adaptive personalization module is further operable to convert the responsive information from a text format to an audio format, and the representation includes the frequency with which each word occurs in each piece of content (col. 19, lines 12-30 and col. 28, lines 50-59).

Given the teaching of Saylor, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thrift by including a personalization module to retrieve voice content information corresponding to a user's desired choice allowing the user quick access to content they frequently access.

As per claims **10**, **26** and **58**, Thrift discloses the invention substantially as claims discussed above.

However, Thrift does not explicitly disclose:

- wherein the adaptive personalization module is further operable to convert the responsive information from an audio format to a text format, and the representation includes the frequency with which each word occurs in each piece of content.

Saylor discloses a system and method for registering voice codes for voice pages in a voice network access provider system including:

- wherein the adaptive personalization module is further operable to convert the responsive information from an audio format to a text format, and the representation includes the frequency with which each word occurs in each piece of content (col. 19, lines 12-30 and col. 28, lines 50-59).

Given the teaching of Saylor, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thrift by including a personalization module to retrieve voice content information corresponding to a user's desired choice allowing the user quick access to content they frequently access.

As per claims **11**, **29** and **62**, Thrift discloses the invention substantially as claims discussed above.

However, Thrift does not explicitly disclose:

- a user interface operable to allow the user to generate and modify a playlist, wherein the playlist is included in the user's model.

Saylor discloses a system and method for registering voice codes for voice pages in a voice network access provider system including:

- a user interface operable to allow the user to generate and modify a playlist, wherein the playlist is included in the user's model (col. 16, lines 55-65, col. 19, lines 12-30 and col. 28, lines 50-59).

Given the teaching of Saylor, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thrift by including a personalization module to retrieve voice content information corresponding to a user's desired choice allowing the user quick access to content they frequently access.

As per claims **12** and **30**, Thrift discloses:

- wherein the user interface is a graphical user interface (abstract, col. 2, lines 59-67, col. 3, lines 1-8, lines 57-67, col. 4, lines 1-33, lines 52-67 and col. 5, lines 1-19).

As per claims **13** and **31**, Thrift discloses:

- wherein the user interface is an audio interface.

As per claims **14** and **32**, Thrift discloses:

- wherein the user interface is a telephone interface (abstract, col. 2, lines 59-67, col. 3, lines 1-8, lines 57-67, col. 4, lines 1-33, lines 52-67 and col. 5, lines 1-19).

As per claims **15** and **33**, Thrift discloses:

- wherein the user interface is a wireless telephone interface (abstract, col. 2, lines 59-67, cot. 3, lines 1-8, lines 57-67, col. 4, lines 1-33, lines 52-67 and col. 5, lines 1- 19).

As per claims **16** and **34**, Thrift discloses the invention substantially as claims discussed above.

However, Thrift does not explicitly disclose:

- wherein the adaptive personalization module is further operable to generate and modify a user's playlist.

Saylor discloses a system and method for registering voice codes for voice pages in a voice network access provider system including:

- wherein the adaptive personalization module is further operable to generate and modify a user's playlist (col. 16, lines 55-65, col. 19, lines 12-30 and col. 28, lines 50-59).

Given the teaching of Saylor, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thrift by including a personalization module to

retrieve voice content information corresponding to a user's desired choice allowing the user quick access to content they frequently access.

As per claim **17**, Thrift discloses the invention substantially as claims discussed above However, Thrift does not explicitly discloses:

- a mobile audio device having an audio converter, the audio converter being operable to receive the information responsive to the request, the audio converter being further operable to convert the responsive information to an audio signal for output to an audio output device, wherein the audio converter outputs the audio signal to a short-range wireless radio, the short-range wireless radio being operable to broadcast the audio signal to a channel on a car radio.

Saylor discloses a system and method for registering voice codes for voice pages in a voice network access provider system including:

- a mobile audio device having an audio converter, the audio converter being operable to receive the information responsive to the request, the audio converter being further operable to convert the responsive information to an audio signal for output to an audio output device, wherein the audio converter outputs the audio signal to a short-range wireless radio, the short-range wireless radio being operable to broadcast the audio signal to a channel on a car radio (col. 16, lines 55-62, col. 17, lines 5-12 and col. 18, lines 45-65).

Given the teaching of Saylor, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thrift by including a personalization module to

modify the output of the voices settings of the user request content in order to apply to all audio output thereby allowing a user to access the content in a timely and efficient manner.

As per claim **19**, Thrift further discloses:

- a voice interaction system operable to recognize commands from a user's speech input for interaction with the browser device including the request for information (abstract, col. 2, lines 59-67, col. 3, lines 1-8, lines 57-67, col. 4, lines 1-33, lines 52-67 and col. 5, lines 1-19).

As per claim **51**, Thrift discloses the invention substantially as claims discussed above. However, Thrift does not explicitly disclose:

- recognizing commands from a user's speech input for interaction with the mobile audio device including the browsing command.

Saylor discloses a system and method for registering voice codes for voice pages in a voice network access provider system including:

- recognizing commands from a user's speech input for interaction with the mobile audio device including the browsing command (col. 16, lines 55-62, col. 18, lines 45-65 and col. 19, lines 12-30).

Given the teaching of Saylor, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thrift by including a personalization module to modify the output of the voices settings of the user request content in order to apply to all audio output thereby allowing a user to access the content in a timely and efficient manner.

As per claim **59**, Thrift discloses the invention substantially as claims discussed above.

However, Thrift does not explicitly disclose wherein the mobile device includes at least portion of a position keeping system, the method further comprising:

- providing the position of the mobile audio device to the information network via the wireless communication, wherein the responsive information is based on the location of the mobile audio device.

Saylor discloses a system and method for registering voice codes for voice pages in a voice network access provider system including:

- providing the position of the mobile audio device to the information network via the wireless communication, wherein the responsive information is based on the location of the mobile audio device (col. 16, lines 55-62 and col. 17, lines 5-12

Given the teaching of Saylor, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thrift by including a personalization module to display the user requested content according to the location of the mobile device in order to allow a user to access the content in a timely and efficient manner.

Response to Arguments

3. Applicant's arguments with respect to claims 1-34 and 50-62 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,594,484 to Hitchings, Jr.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T. Jacobs whose telephone number is 703-305-7494. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 703-308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LaShonda T. Jacobs
Examiner
Art Unit 2157

ltj
January 13, 2005

ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
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